IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.2771 OF 2005**

Mahad Urban Co-op. Bank Ltd. ... Petitioner

V/s.

Maharashtra Rajya Bachat
Pratinidhi Sanghatna ... Respondent

Mr.A.P. Vanarse for Petitioner

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 7, 2005**

**P.C.:**

. The Petition is filed against the order of the Industrial Court declaring that the Petitioner has indulged in an unfair labour practice under Item 9 and 10 of Schedule IV of the MRTU & PULP Act, 1971. The Petitioner contended that the term "employee" as defined under section 3(13) of the Bombay Industrial Relations Act does not cover the employees who are engaged as pigmy agents and therefore, they are not covered by the MRTU & PULP Act. The Supreme Court in the case of *Indian Banks Association v/s. Workmen of Syndicate Bank* **(2001 SOL Cases 103)** has held that the pigmy agents are workmen as defined under section 2(s) of the Industrial Disputes Act. The definition of "employee" under section 3(13) of the Bombay Industrial Relations Act is

far wider than the term "workman" defined under section 2(s) of the Industrial Disputes Act. The pigmy agents would, therefore, be "employees" as defined under section 3(13) of the Bombay Industrial Relations Act and are consequently, employees under section 3(5) of the MRTU & PULP Act. Therefore, this submission made on behalf of the Petitioner is not unsustainable.

2. The next submission made on behalf of the Petitioner that the Respondent-Union which represented the workmen is not the representative union in the bank and, therefore, they could not have filed such a complaint. The Industrial Court has considered the fact that the Petitioner had along been negotiating with the Respondent-union regarding the commission rates payable to the pigmy agents. The Industrial Court has rightly held that the Respondent-Union could seek redressal of the grievance of the pigmy agents so long as the representative had not taken up the cause of the employees.

3. In these circumstances, I see no reason to differ from the findings of the Industrial Court. Petition dismissed.